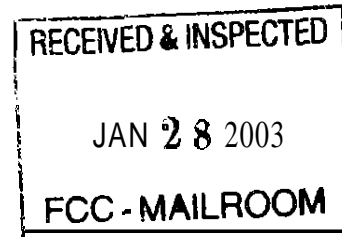


Jonathan S. Gunn. 1404 Sussex Ct. Champaign, 111 61821



Secretary,
Federal Communications Commission
Washington, D.C. 20554

1/21/03

Dear Mr. Secretary:

Enclosed please find an original and 15 copies of my Petition for Rulemaking within the Amateur Service concerning One-way voice broadcasting on frequencies below 30 Megahertz.

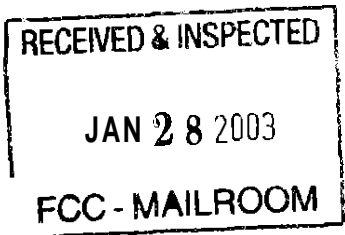
I request that the extra copy be file stamped and then returned to me in the enclosed, self addressed and stamped envelope. Pursuant to 47 CFR, Chapter 1, Part 1, Section 1.12, I designate myself, a duly licensed Illinois attorney, admitted to practice before the Supreme Court of Illinois as well as the Northern and Central Districts of the Federal Court in the State of Illinois, as a person to receive notice pursuant to Commission Rules.

Thank you,

/

Jonathan S. Gunn
E Mail: JGunn1@aol.com
1404 Sussex Ct.
Champaign, Illinois
61821

0+15
wTB
03-32



A PETITION
FILED WITH THE UNITED STATES FEDERAL COMMUNICATIONS COMMISSION
SEEKING RULEMAKING WHICH LIMITS ONE-WAY VOICE BROADCASTING
ON FREQUENCIES ALLOCATED TO THE AMATEUR SERVICE

NOW COMES the Petitioner, Jonathan S. Gunn, pursuant to Title 47, Chapter I, Subpart C, Section 1.401. and other provisions of the Code of Federal Regulation, Petitions the Secretary, Federal Communications Commission, (hereafter Commission) for a Rule to limit One-way voice broadcasting in the Amateur Service on frequencies below 30 Megahertz and states as follows:

BACKGROUND INFORMATION

The Amateur service is allocated on a shared basis, No licensee is granted or permitted any specific or exclusive right to a particular frequency. Some licensees engage in One-way voice broadcasting. While many debate the value of One-way broadcasting within the Amateur Service, few would deny that reasonable limits on the length of One-way broadcasting are necessary. Arguably, no clear limitations presently exist. Without reasonable limits, a licensee could theoretically broadcast on a **24** hour, Seven day per week basis, effectively claiming a frequency or even a number of frequencies for his or her own exclusive use. Clearly, such a consequence runs counter to the well established purposes of the Amateur Service. Moreover, if multiple stations each began broadcasting for multiple hours per day, substantial parts of the High Frequency Spectrum allocated to the Amateur Service would be effectively rendered useless for Two-way communications. It will not be long before the Amateur Service will begin to resemble the international broadcast bands. Thus, clear and reasonable regulation must be promulgated by the Commission to limit One-way broadcasts within the Amateur Service.

Lengthy, automated, One-way broadcasting can also impede emergency communications and unnecessarily delay the timely provision of emergency assistance. Unlike normal Two-way communications where there is a "gap" between each side of the conversation, **no such "gap"** is available during a lengthy One-way broadcast. As a result, a station in distress is forced to wait until a lengthy, sometimes more than hour-long broadcast ends before being able to summon assistance and make its position and needs known. Therefore, when minutes count, hour-long broadcasts are a danger to stations in distress by delaying vital access to emergency assistance.

The Commission must also prevent any licensee from “effectively” staking a claim to a particular frequency through the **use** of broadcasting. Excessive, repeated, One-way broadcasting makes it impracticable for other licensees to utilize a frequency because automated broadcasts begin in the middle of, and thereby disrupt, ongoing communications. **A** natural consequence is that many licensees shy away from using a frequency which is excessively used by One-way broadcasters. Sometimes, this effect is intended so as to “game” a specific frequency for the near exclusive use of a single licensee. Such forms **of Defacto** exclusion are inconsistent with the shared nature of frequencies and well established purposes of the Amateur Service.

Excessive One-way broadcasting is inconsistent with the shared nature of frequencies allocated to the Amateur Service and is an unreasonable threat to timely and effective emergency communications. Because One-way broadcasting is becoming more prevalent, the Commission must promulgate reasonable limitations to protect the Amateur Service and members **of** the public which it serves. Below is the text of a **proposed** rule concerning One-way voice broadcasting in the Amateur Service.

TEXT OF A PROPOSED RULE TO LIMIT
ONE-WAY VOICE BROADCASTING IN THE AMATEUR SERVICE
ON FREQUENCIES BELOW 30 MEGAHERTZ

“For the purposes of this section, a One-way voice Broadcast shall be defined as any voice transmission, which is primarily intended to convey information, but which is not reasonably designed to establish immediate Two-way communications with the station emitting the Broadcast.-All One-way voice Broadcasts below 30 Megahertz in the Amateur Service shall be limited as follows:

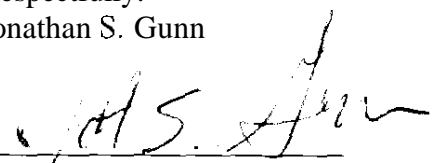
- a) Single Broadcast. No licensee shall cause to be emitted any single One-way voice Broadcast which exceeds Thirty (30) minutes in length;
- b) Multiple Broadcasts. No licensee shall cause to **be** emitted multiple One-way voice Broadcasts which, in aggregate, exceed Sixty (60) minutes in length during any **24** hour period. For the **purposes** of this rule, each Broadcast on each band during any 24 hour period must be separated by no **less** than Eight (8) hours; and
- c) Non-interference. No One-way voice Broadcast shall be emitted unless the control operator first takes reasonable steps to assure that any such One-way **Broadcast(s)** will not interfere with ongoing communications.”

Because the proposed rule specifically applies to “One-way voice Broadcasts” it does not apply to One-way transmissions of CW intended for the purposes of improving proficiency in copying the Morse Code, unless such transmissions also contain a One-way voice broadcast.

The proposed rule would not provide any financial or unique benefit to the Petitioner. Rather, all Amateur licensees and the public would be protected from excessive One-way voice Broadcasts which unreasonably monopolize precious spectmm and which pose an unreasonable threat of impeding prompt emergency assistance to stations in distress.

WHEREFORE, the Petitioner respectfully requests that the Federal Communications Commission make a rule that limits One-way voice Broadcasting in the Amateur Service on frequencies below 30 Megahertz in accordance with the forgoing. The Petitioner also requests notice and the opportunity to be heard on the foregoing matters in accordance with Commission Rules.

Respectfully.
Jonathan S. Gunn



Attorney & Petitioner.
1404 Sussex Ct.
Champaign, Illinois 61821